

Office Action Summary

Application No.

09/813,052

Applicant(s)

HSIEH ET AL.

Examiner

Richard Hanig

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-28 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: ____.

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: On page 16, line 6, there is a typo "s". On page 18, line 6, "mirror 166" is incorrect, the mirror is not assigned a number in the figure.

Appropriate correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


3. Claims 1-8, 10, 13-23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's statement of the prior art in view of Cormack, patent 6362904. For claims 1 and 24, the applicant has described tunable filters with respect to their use in wavelength division multiplexing wherein there is a selection of wavelengths from a beam to form two or more beams with different wavelength ranges, but there is no manifest showing that the beams created are maintained in their respective propagation directions; however, Cormack in figs. 3 and 4 and in col. 3, lines 40-52, discloses a way of selecting wavelengths by rotating a mirror but the propagation directions of the subsequent beams are maintained even while other wavelengths might be later selected. It would have been obvious to one of ordinary skill in the art to use Cormack's system to maintain the beam propagation direction in order not to lose signal power or introduce unwanted noise in the signal. The use of different ports and polarizations is a well known design choice that is used in multiplexing. The having a multiple beams and that are later combined is a design choice that helps in one's ability to extend the range in multiplexing.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cormack as applied to claim 1 above, and further in view of Tai, patent 6275322. The system has been discussed above but there is no discussion of a thermal compensator, however, Tai disclose the problem in col. 4, lines 36-40, and describes the use of an elemental thermal compensator, but it would be an obvious design choice to use other compensators depending on the range of temperatures and the degree of accuracy needed.

5. Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: In the claimed invention having compensation for the thickness of bandpass filter is not shown or suggested.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Hanig whose telephone number is 703-308-4853. The examiner can normally be reached on M-F: 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703-308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4744 for regular communications and 703-746-4744 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


April 15, 2003


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800



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09/813,052	03/19/2001	Yung-Chieh Hsieh	OC-P2	1348

7590 04/23/2003
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EXAMINER

HANIG, RICHARD E

ART UNIT PAPER NUMBER

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DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.